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No. 216

House of Representatives

The House was not in session today. Its next meeting will be held on Thursday, December 16, 2021, at 11 a.m.

Senate

WEDNESDAY, DECEMBER 15, 2021

The Senate met at 10 a.m. and was called to order by the Honorable MARTIN HEINRICH, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God of our destinies, attune our spirits to the graciousness of this season as You fill us with Your measureless love. Thank You for Your plan of redemption, intended to extricate humanity from ruin.

Lord, the legislative process often involves disagreements at deep levels, but keep our Senators away from disagreeable spirits. Give them wisdom. Patiently, look for ways to cooperate in strengthening this land we love. Let the glorious message of peace on Earth and good will toward all guide their deliberations.

We pray in Your righteous Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication

to the Senate from the President pro tempore (Mr. LEAHY).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 15, 2021.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARTIN HEINRICH, a Senator from the State of New Mexico, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

Mr. HEINRICH thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2022—Resumed

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the House message to accompany S. 1605, which the clerk will report.

The senior assistant legislative clerk read as follows:

House message to accompany S. 1605, a bill to designate the National Pulse Memorial lo-

cated at 1912 South Orange Avenue in Orlando, Florida, and for other purposes.

Pending:

Schumer motion to concur in the amendment of the House of Representatives to the bill.

Schumer motion to concur in the amendment of the House of Representatives to the bill, with Schumer amendment No. 4880 (to the House amendment), to add an effective date.

Schumer amendment No. 4881 (to amendment No. 4880), to modify the effective date.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

KENTUCKY

Mr. McCONNELL. Mr. President, in the aftermath of Western Kentucky's devastating tornado outbreak, I have maintained close contact with State and local officials. My staff has been on the ground since the outset of the crisis, helping residents access Federal resources and keeping me up-to-date with any developments. Toward the end of the week, I will travel back to Kentucky to meet with my constituents and visit the areas affected.

The stories coming out of Kentucky are harrowing. But in recent days, we also heard about the generosity, the hard work, and the hope that are helping our State recover.

Kentuckians desperately need help to rebuild, so our universities, normally bitter rivals on the court, are rallying together to raise money and gather supplies for relief efforts.

This Christmas is shaping up to be exceptionally difficult for children all across Western Kentucky, so churches

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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are organizing toy drives to help make the holidays a little bit brighter. Western Kentucky community organizations are stretched to the limit, so businesses based in the Commonwealth, from distilleries to car manufacturers, to insurance companies, have stepped up and donated literally millions. Remarkable stories of survival and resiliency have trickled out of the disaster zone.

Last weekend's storm destroyed much of the First Christian Church in Mayfield, but the congregation discovered their communion table and altar cross fully intact while picking through the rubble. A symbol of hope and rebirth survived amid so much pain.

Across town, the Mayfield Health and Rehabilitation nursing home was physically devastated when it took a direct hit from the tornado on Friday night, but all 74 of the facility's elderly residents survived with only minor injuries. As one staff member said, this was "truly a miracle."

And in Bremen, KY, when a man visited the wreckage of his home on Saturday, he discovered his grand piano mostly undamaged—undamaged—despite the storm. Amid the surrounding devastation, he sat down to play and to sing hymns. His songs, shared on social media, warmed the hearts of thousands.

These stories of hope have ricocheted across the Commonwealth, bringing smiles and strength to communities that need them most. And they give me faith that Kentucky will recover from this crisis stronger than ever.

S. 1605

Now, Mr. President, on an entirely different matter, today, the Senate will pass this year's National Defense Authorization Act by a big bipartisan margin.

I have talked for weeks about the importance of this legislation, given the global threats and international challenges that face our country from China to Russia, to the fight against terrorists in the Middle East.

I will also be proud to vote for this bill because of the enormous impact it will have on my home State. The proud servicemembers based in Kentucky play an outsized role in our national defense. From deploying across the world to fighting COVID-19 here at home, they do amazing work to keep America safe.

In the past week, they have stepped up to provide critical support as Kentucky deals with the aftermath of our devastating tornadoes. Our Commonwealth's heroes and their families deserve our full support, and I am proud that this year's National Defense Authorization Act delivers for them.

Nearly \$1 billion for the Assembled Chemical Weapon's Alternative Program that supports the chemical munitions destruction mission at the Blue Grass Army Depot; robust funding to deter Russia in Europe; the emission of Fort Knox's Fifth Corps Headquarters;

continued investments in research and modernization that will guarantee our soldiers, including those at Fort Campbell, are prepared to counter emerging threats like China.

We have also built on our previous efforts to lift up Kentucky's military families. The bill provides additional funding for modern, high-quality childcare facilities, including \$27 million for a new childcare development center at Fort Knox. It authorizes an across-the-board 2.7-percent pay raise for our troops.

This bill is critically important to the servicemembers who make immense sacrifices to keep our Nation safe. I am proud to support it and help cement the Commonwealth's role as America's most military-friendly State.

INFLATION

Mr. President, now one final matter, I described yesterday how inflation is hurting families all across our country. Since then, yet another key economic indicator has set an unfortunate record.

In the last year, wholesale prices grew at their fastest pace on record. Anyone with a shred of sense knows this is the absolute wrong time—wrong time—to unleash a multitrillion-dollar taxing-and-spending spree.

Every single day brings new evidence our Democratic colleagues should give the country a break. But the cost of Washington Democrats' latest obsession isn't the only problem. The context of what they want to pass is actually just as bad.

We have known since the start of the COVID pandemic that Democrats saw it as an opportunity to transform American society. They have actually been quite candid about that. And their reckless taxing-and-spending spree they are writing behind closed doors is a Trojan horse to let the radical left dictate intimate details to American families.

There is a long list of policies inspired by the authors of the Green New Deal. A whole slew of new programs and mandates are aimed at fitting the entire country's systems for producing and consuming energy into sort of a California-shaped box: special subsidies for expensive lifestyle choices like electric vehicles and electric bicycles; new redtape to strangle the most reliable and affordable sources of American energy; subsidies for supply chains that China dominates so that America borrows in order to "Build Back Beijing"; and don't forget the so-called Civilian Climate Corps, just what we need at a time of inflation and labor shortages—a Potemkin make-work program for liberal activists.

Of course, Washington Democrats intend to grab greater control over the development of America's young people long before they are eligible for made-up green jobs. Their spree contains a massive "toddler takeover" that insults the diversity of American families and their aspirations. It only

throws money at a subset of secular childcare centers that woke bureaucrats happen to favor.

Forget faith-based options, forget flexible part-time arrangements, forget being remotely fair to families with a parent at home, Democrats want to bring their inflation into childcare and make daycare more expensive, more inflexible, and more unfair.

And then there is the latest offensive in a long campaign to restrict more of American's healthcare choices. Democrats' plan would mean more one-size-fits-all programs, more government control, a wet blanket over the world-leading innovation pipeline that creates new cures, and a further gamble with seniors' Medicare when the trust fund is already in danger of insolvency.

Then there are the massive tax hikes our colleagues want to use to cover the bill—all those radical changes, all those Big Government intrusions into family life, compared with the crushing tax hikes that would hit our country like a ton of bricks.

There are new surcharges on individual taxpayers. There are tax hikes for passthrough businesses. There is a brandnew, radical scheme to make American industry less competitive that Senate Democrats scribbled down with no hearings or committee process.

President Biden promised he wouldn't raise taxes one penny on anyone making less than \$400,000. But experts agree that Democrats' tax hikes would break that promise. People with far less income would be affected.

So for goodness' sake, in 2022, their bill would give a bigger percentage tax cut to people making more than \$1 million every year than the families that pull in between \$75,000 and \$100,000. That is according to the Joint Committee on Taxation.

The average person who makes upward of \$1 million gets a bigger tax break—a bigger tax break—from Democrats' bill than the average household that makes just under—just under—six figures.

In large part, that is because of an absurdly expensive tax giveaway that Democrats want to hand out to benefit high-income earners in blue States. Their SALT policy would make the Federal Government subsidize the property tax bills of people with mansions who choose to live in high-tax States.

It is an insane proposition, and it is struggling to even earn support from Democrats' rank and file. But their leaders from New York and California are obsessed with it, so go figure.

But SALT is only just the beginning of the gravy train this bill steers toward Democrats' pet projects and causes. There is also a tax code tweak that would create a special deduction for union dues, while letting one for charitable contributions actually expire. Another special incentive—to the tune of \$10 billion—would help liberal colleges and universities indoctrinate students in new "environmental justice" programs, whatever that is. Still,

others would pour \$29 billion into funding a “National Green Bank,” \$2.5 billion into increasing—listen to this—“tree equity,” \$1.67 billion to bail out news outlet, and an extra billion on top for “improving climate resilience” of Pacific salmon—an extra billion on top for “improving climate resilience” of Pacific salmon.

And then, of course, there are the extra special ways Democrats want to use this bill to fulfill more personal hometown priorities. Speaker PELOSI didn’t end up getting to earmark millions of Federal dollars for redeveloping a park in her district. Ah, but she did secure one Congressman’s vote by upping the funding for a defunct regional commission that largely benefits his district by 13,000 percent. That is old-school vote-buying, a slap in the face to taxpayers.

Our own colleague, the Democratic leader, has pledged to “use all of [his] power” to personally steer tens of billions of dollars toward a hometown New York City housing authority with a long and storied reputation of corruption, mismanagement, and scandal.

So it is hard to wrap your head around all this; that is, unless you subscribe to Washington Democrats’ apparent core principle—core principle: When the American people are footing the bill, the menu is all-you-can-eat.

Mr. LEAHY. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LUJÁN). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEBT LIMIT

Mr. LEAHY. Mr. President, the House came together with the Senate to raise the debt limit, which I think was good because another closedown of our government would have been disastrous. So I am proud, as President pro tempore, to sign the joint resolution that raises the debt limit, and that will go now to the President. The Speaker signed it, I have signed it, and now the President will be able to sign the bill. I was very, very proud to do that.

S. 1605

Mr. President, on another matter, we are going to soon have the opportunity to vote on passage of the fiscal year 2022 National Defense Authorization Act, the NDAA. As they do every year, I am sure Senators will get out press releases touting all of the things in this bill that they support, as I do: a pay raise for the military, increases for medical research, investments to counter Chinese aggression. These are things all worth talking about, but let’s be honest and go beyond the rhetoric, tell the American people about what we are doing and what we are not.

We can stand here on the Senate floor—we can do it back home—and declare our unwavering support for our

troops and their families, can claim to support a strong national defense, but until we put our money where our mouth is and provide the funding we say we support, then those words ring hollow. It is only rhetoric.

Now, the NDAA is an important piece of legislation, and I applaud those Senators who put it together. It sets overarching policy for the Department of Defense. It guides our national security. But—but—make sure people understand that what it does not do is provide the funding to implement the policies it sets. It says what the policies will be; it declares what the funding should be; but there is not one penny—not one penny—in this bill. That is the job of the Appropriations Committee.

As we prepare to vote for the NDAA, Republicans have not come to the table to negotiate top-line spending numbers so that we can actually enact an appropriations bill to pay for our national defense. Some have said that they would be fine if the government ended up operating under a full-year continuing resolution. Fortunately, there are some key Republicans, as with all Democrats, who don’t want a continuing resolution; they would like to get the bills done. But we have to actually do it. We can’t talk about it. We can’t be private and say “Oh, yeah, I am for you on that,” but we actually do it.

So I suggest that if people are wondering whether a continuing resolution helps us, do the math. A full-year CR would not only reduce defense spending by \$35 billion compared with what is in the NDAA bill, but it would actually cut defense spending below last year’s level. Just think about that.

We can talk about all the wonderful things we are doing, but if we don’t pass the appropriations bill, if we only have a continuing resolution, we cut defense spending below last year’s levels. So instead of the \$35 billion that they are touting and one minute waving the flag and declaring they support our troops and our military and then the next day have no problem in cutting the funds—if we refuse to go ahead and actually pass the appropriations bills and go instead to a continuing resolution, we are cutting funds. It almost makes me think of Alice in Wonderland. I wonder if we are going through the looking glass.

Democrats have put a fair offer on the table to get us through this morass. It provides a 5-percent increase for defense programs compared to last fiscal year, a 13-percent increase for all other programs. The 5-percent increase for defense we picked because it is equal to the increase contained in the NDAA that we are going to vote on today.

I would predict that the large majority of Senators, Republicans and Democrats alike, will vote for the NDAA with that 5 percent increase. Well, stop holding up the appropriations bill that actually has the money—that has the

money. The NDAA is a promissory note; the appropriations bill is the cash.

The money we have in appropriations is equal to the increase for defense programs that Republicans unanimously endorsed when the NDAA was marked up in the Senate Armed Services Committee. It is equal to the increase that just passed the House. In the U.S. Congress, that is as close to a consensus as I have seen around here, and I have been here a few years.

One Republican House appropriator has even said publicly that he wants an appropriations deal at the NDAA levels because the NDAA fully funds our defense needs for the coming year. I want him to know that is the offer the Democrats put on the table 2 months ago. So far, I have heard deafening silence.

We have to go for it. We have people in both parties who understand the need for an appropriations bill. I recommend we all get together and get it done because the men and women who serve in the military deserve more than lip service.

Any Senator who votes for this authorization bill today should have no problem embracing an offer that provides the money to actually pay for it. They certainly should not be putting us on a course for a full-year continuing resolution, which would cause cuts in our national defense and, I believe, would weaken our national security.

Secretary Austin has said that a full-year’s CR would be unsound, misappropriate billions of dollars, and erode the U.S. military advantage relative to China. The Secretary also noted that investments in research, infrastructure, and public health are equally critical to our national security.

I ask unanimous consent that Secretary Austin’s full statement be printed in the RECORD at the end of my statement.

The strength of our military and national security is built on the strength of our people. Without domestic investments in education, healthcare, research, economic development, and science, we can’t maintain our military. Without combating the opioid, substance abuse, and mental health crises facing our country today, we will no longer be able to recruit the best of the best. We need full-year appropriations bills to make these investments so people can sit and see what we have and where we are going with it.

Recently, some Members on the other side of the aisle have taken to the floor of the Senate to decry a lack of progress on the appropriations bills. They criticize Democrats for not bringing bills to the floor. But let’s be real. The only reason we have been unable to move more bills through committee or bring bills to the floor for debate is because Republicans have said they oppose them until we have a top line. OK. Then negotiate the very top line they require to move bills instead of refusing to negotiate that top line. Come

on. You can't put barriers across the highway and then complain that traffic is stopped.

I have been calling for bipartisan and bicameral negotiations with the White House to reach an agreement on top lines since March—March, April, May, June, July, August, September, October, November, and now December. It is probably time enough to get moving.

In October, I released a comprehensive proposal, with the support of House Democrats, on a path forward. I would ask the Republicans to join us at the negotiating table. We have a job to do. We are 10 weeks into the fiscal year. Let's step up and make a serious offer on a top-line agreement. We Democrats have done that. Republicans need to do that now—not one that panders to the extremes of their base—and do it in the next few weeks.

I have been here for a lot of years. Most of the time I have been here, I have been on the Senate Appropriations Committee. I have seen Republicans and Democrats come together. I have seen Senators from the left and the right come together, knowing that you have to have a consensus, knowing that you don't pass appropriations bills on sound bites and on a wish list; you do it with substantive work.

Our staff has been working throughout recesses and everything else to have this, so let's get to work. Let's negotiate full-year appropriations bills that address our country's many needs, including our country's national defense. We have done this over and over again over the years. We can easily do it now.

I have talked with the leaders of both parties. I think we are ready. I think anybody who fully understands how appropriations work know that a continuing resolution for the year is not the way to go. It doesn't help the country. It doesn't help the people whom we represent. It certainly doesn't help the credibility of the U.S. Senate. And we are in a position where the House wants to work with us. Let's get to work and spend a few days doing that. Let's pass the omnibus with the individual appropriations bills in it. It has been done in the past. It can be done again.

My staff has been working night and day and weekends. We have everything together. I have talked with several Senators on both sides of the aisle. They want to go forward. Well, let's go forward for the sake of the country, for the sake of this body that I respect so much.

Every single day, when I walk here into the Senate, I think what a privilege it is to be here. But with that privilege comes a responsibility—a responsibility to the people of this country, the people we represent. We can fulfill that responsibility by passing these appropriations bills.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

IMMEDIATE RELEASE

STATEMENT BY SECRETARY OF DEFENSE LLOYD J. AUSTIN III ON THE IMPACT OF A FULL-YEAR CONTINUING RESOLUTION—DEC. 6, 2021

The Department of Defense once again faces the threat of a continuing resolution to fund our programs and operations into the new year. While the short-term CR passed by Congress was a necessary measure to keep the government open and provide additional time to reach agreement on full-year appropriations bills, some have even suggested a CR could last an entire year, an unprecedented move that would cause enormous, if not irreparable, damage for a wide range of bipartisan priorities—from defense readiness and modernization, to research and development, to public health.

A full-year CR would be a fiscally unsound way of funding the Department of Defense and government as a whole. It would misalign billions of dollars in resources in a manner inconsistent with evolving threats and the national security landscape, which would erode the U.S. military advantage relative to China, impede our ability to innovate and modernize, degrade readiness, and hurt our people and their families. And it would offer comfort to our enemies, disquiet to our allies, and unnecessary stress to our workforce.

Essentially, in terms of real dollars, a CR would represent a budget cut—and a significant one at that.

I urge Congress to reach a bipartisan, bicameral agreement on FY 2022 appropriations, and avoid a full-year CR, in the coming weeks.

First and most importantly, failure to reach an agreement would put our military and their families under additional and needless stress. It would mean that providing the 2.7 percent pay increase the President proposed and they so richly deserve—as well as housing allowances and other new benefits—would come at the expense of suspending many of their change-of-station moves and force us to limit the numbers of new recruits we bring in. And it would result in over five billion dollars in cuts to our operating accounts, too, hurting the readiness of our troops and curtailing our ability to cover the health-care needs of military families.

More than 100 military construction projects—many of which directly impact the quality of life of our people—would also be delayed if Congress maintains current funding levels under a full-year CR. And make no mistake about it, the impacts of those delays would be felt not only across the Department, but also in local communities around the country as job opportunities are lost and revenue for local businesses diminishes.

Of course, failing to reach an agreement on appropriations would also significantly impact the programs, the technologies and the initiatives we are trying to undertake to ensure we remain the most capable military in the world. The Department's efforts to address innovation priorities such as cyber, artificial intelligence and hypersonics programs would be slowed.

At a time when our adversaries are advancing their concepts and capabilities to erode our strategic advantages . . . and as we begin to knit together a truly groundbreaking vision of integrated deterrence . . . our hands will be tied. We will be forced to spend money on things we don't need and stop spending money on investments we desperately do need.

And I'd note that as important as full-year appropriations are for the Department of Defense, investments at the State Department, in research and development at the major research agencies, and in infrastructure and public health are equally critical to our national security.

Again, I strongly urge Congress to seize this opportunity to sustain American competitiveness, advance American leadership, and enable our forces by immediately reaching a bipartisan, bicameral agreement on full-year 2022 appropriations. It's not only the right thing to do, it's the best thing they can do for our nation's defense.

Mr. LEAHY. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

S. 1605

Mr. SCHUMER. Mr. President, on NDAA, for the past six decades, Congress has worked on a bipartisan basis to pass an annual Defense bill without fail. After today, this year will be no different.

Later this morning, the Senate will hold a vote to pass NDAA legislation for fiscal year 2022 that has been negotiated on a bipartisan, bicameral basis. After it is approved by this Chamber, the bill will go to the President's desk for his signature.

With so many priorities to balance, I thank my colleagues for working hard over these last few months, both in committee and on the floor, to get NDAA done. I want to particularly recognize my colleague Chairman REED for his work shepherding this important process through.

BUILD BACK BETTER ACT

Mr. President, now, for a Build Back Better update, this week, Democrats also continue working on getting the Senate into a position where we can vote on the President's Build Back Better legislation. We are also continuing to hold conversations, as Senate Democrats, on the urgent work of advancing the Freedom to Vote Act and the John Lewis Voting Rights Advancement Act.

There is universal view in our caucus that we need to pass legislation to protect our democracy. What the Republican legislatures are doing—on a purely partisan basis—is undermining, destroying our democracy.

We believe that we can restore the Senate to work the way it is supposed to and at the same time deal with voting rights. And that is what we are aiming to do.

JUDICIAL NOMINATIONS

Mr. President, now, on judicial nominations, in addition to our legislative agenda, the Senate is also making good progress this week on confirming more of President Biden's nominees, both to his administration and the Federal bench.

Today, we will vote to confirm two more of the President's judicial nominees, and it is possible I will file cloture on more today. At the district

level, we will confirm Samantha Elliott to serve as district judge for the District of New Hampshire. And we will also vote on the confirmation of Jennifer Sung to sit as a circuit judge for the U.S. Court of Appeals for the Ninth Circuit.

Throughout her career, Ms. Sung has proven herself to be an exceptional and impartial adjudicator, a valiant advocate for working Americans, and I am confident she will be an excellent judge who adds to the personal and professional diversity of the Ninth Circuit.

For much of her time in private practice, Ms. Sung dedicated herself to representing workers in disputes against unscrupulous employers. The folks she has fought for over her career haven't been privileged individuals. On the contrary, they have been everyday working Americans: low-income workers, minority workers, and largely underserved communities—folks who just want a fair shake.

As a member of the Oregon Employment Relations Board, where she has served in a quasi-judicial role adjudicating disputes between workers and management, Ms. Sung has displayed immense skill striking a delicate balance between protecting the interests of working Americans while applying the law fairly and impartially and without preconception. This balance is crucial for anyone under consideration for the bench, and that is the point.

We are having, of course, demographic diversity. Ms. Sung represents that as an Asian American. But we are also having professional diversity, where people from different walks of life and different experiences serve in these very important courts, not just prosecutors and people from big law firms. So this is a very, very important change that we are making to the bench.

This year, we have made progress in adding that new level of diversity to the bench, but we still have a lot of work to do to make our courts reflect the diversity and richness of our democracy.

And on one more judge, Ali Nathan, earlier this morning it was my honor to come before the Senate Judiciary Committee to introduce Ali Nathan, nominated by President Biden, under my recommendation, to serve as circuit judge for the Second Circuit Court of Appeals.

Judge Nathan is a remarkable and barrier-breaking nominee for the Federal bench. A graduate of Cornell Law School, a clerk for both the Ninth Circuit and the Supreme Court, under Justice Stevens, and a member of President Obama's White House counsel and the Office of the Solicitor General in New York, Judge Nathan's resume is nothing short of impeccable.

I can happily say that this will be the second time I have recommended Judge Nathan to serve on the bench. A decade ago, I urged President Obama to consider Ali Nathan to serve as district judge in the Southern District.

I am glad President Obama listened. And after a decade of admirable service on the bench, it is clear that appointing her was the right decision. And, one more important point, if confirmed to the Second Circuit, Judge Nathan would only be the second LGBTQ woman to serve as a Federal appellate judge in the United States—another important step in tearing down the barriers in the halls of justice.

If confirmed, I am confident that Judge Nathan will serve with distinction and excellence on the Second Circuit.

So, thanks to Senate Democrats, President Biden has more total circuit and district judge nominees confirmed before December 15 of his first year than any President since Ronald Reagan. By the end of the day, the tally will stand at 31 new judges confirmed in 2021.

Let me repeat that. By the end of today, the Senate will have confirmed 31 judges in President Biden's first year—20 to the district courts and 11 to serve as appellate judges on the Federal circuit.

Four years ago, under President Donald Trump, Republicans lacked any robust legislative agenda and focused almost entirely on rubberstamping the parade of far-right, unqualified, and highly ideological nominations to the Federal bench.

This year, we are administering the antidote: All year long the Democratic majority has begun rebalancing our courts with mainstream, highly qualified, and diverse judges—historically diverse both in their profession and personhood.

Over half of the new judges are women, over half are people of color, and all of them are immensely qualified by virtue of their skills, their experience, and their unique perspectives they bring to the Federal bench.

We are going to continue working as much as we can for the rest of this year to confirm more judges. And you can be sure that we will push even harder in 2022.

Mr. President, one more point on Republican nomination obstruction, besides judicial nominees, we have a responsibility in this Chamber to confirm President Biden's nominees to his administration. Every President—and this one too—deserves to have his administration filled, and for years in the past, both sides have worked together when possible. But this year, we are seeing a new low from Senate Republicans. Because of the cynical blockade of a handful of Members on the other side, the Senate now faces a backlog of at least 150 nominees, many of whom would have sailed through the Chamber in years past.

We have now had to file cloture on twice as many nominees at this point in President Biden's administration as Republicans had to do under President Trump.

Let's be clear about the nominees at issue. We aren't talking about partisan

firebrands or candidates who come out of left field. The bulk of these men and women are uncontroversial, by the book, professional public servants. Many of these nominees would work on issues like supply chains and national security, which our Republican colleagues say they want to address. But now those lives, and the lives of their families, have been thrown into total limbo, all because a handful of Republicans have hijacked the rules of the Senate to slow the confirmation process to a glacial pace, against precedent and common sense.

We have been working over the past day to secure a lift on many of these holds. I want to echo what Senator MENENDEZ has made clear: If the Senator from Texas offers a proposal that does not include lifting all State, Treasury, and USAID nominees, we cannot come to an agreement.

Democrats are working to clear as much of the backlog as possible by consent. If we can't make too much progress, we may need to stay and hold votes on nominees this weekend and next week until we do.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THUNE. Mr. President, I also ask unanimous consent that prior to the vote, I be able to complete my remarks, followed by Senator INHOFE, followed by Senator REED.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 1605

Mr. THUNE. Mr. President, I am pleased that today we will finally move to a vote on the National Defense Authorization Act for Fiscal Year 2022. Thanks to the Democrats' focus on their reckless Build Back Better tax-and-spending spree, consideration of the NDAA, one of the most important bills we consider every year, was delayed for months.

Of course, once we finally got onto the bill, Democrats rushed the process. Senators of both parties filed a total of 1,000 amendments on this bill, but not one—not a single one—of those amendments received a vote on the Senate floor.

But at least we are finally here set to pass this critical legislation. I am pleased the Republicans were able to strengthen this bill in committee and in the so-called preconference negotiations. This includes removing troublesome provisions like red-flag laws that would summarily suspend the Second Amendment rights of our men and women in uniform.

Thanks in large part to Republican efforts, the final bill is \$25 billion above President Biden's inadequate budget request.

We have made a lot of progress over the past several years on rebuilding our military, which, I might add, after years of underfunding and budgetary uncertainty, combined with heavy operational demands, had been left underequipped, undermanned, and underprepared to meet the threats of the 21st century. The situation had gotten so bad that in 2018, the bipartisan National Defense Strategy Commission released a report warning that our readiness had eroded to the point where we might struggle to win a war against a major power like Russia or China—an especially chilling warning considering the mounting destabilization from both of these countries today. The Commission noted that we would be especially vulnerable if we were ever called on to fight a war on two fronts.

But, as I said, over the past several years, we made a lot of progress on restoring military readiness. Unfortunately, President Biden's inadequate budget request threatened to undo some of that progress. So I am pleased—very pleased—that, thanks in large part to Republican efforts, Democrats and Republicans have agreed on a final number that will continue our reinvestment in our military so that our men and women in uniform will have the resources they need to address the threats of the 21st century.

With both China and Russia flexing their military power and the growing danger of a further Russian invasion of Ukraine, it is critically important that we ensure that our Nation is always prepared to defend itself and our vital national interests, whatever the threat.

On the subject of Ukraine, I am very pleased the final bill we will vote on today includes an additional \$50 million in military assistance for Ukraine. Ukraine has spent years dealing with a Russian invasion that threatens to push further into its sovereign territory, and we should be supporting the efforts of this free nation to defend itself from Russian aggression.

I am particularly proud to announce that this year's NDAA contains the necessary funding to continue essential preparation for the B-21 mission at Ellsworth Air Force Base in South Dakota.

We found out in June of this year that Ellsworth had officially been named "Main Operating Base 1" for the future B-21 bomber, home of the Raider. This designation not only means Ellsworth will be the first base to host the B-21 Raider but will also host the formal training unit and the first operational squadron. The stealth B-21 bomber will eventually replace the Air Force's B-1s, which have been a proven workhorse within Global Strike Command but must be divested to free up capacity and resources for an even more agile and capable bomber fleet.

Once operational, the B-21 Raider will be a critical part of our Nation's long-range strike capabilities and nu-

clear deterrent well into the future. I am incredibly proud that South Dakota and Ellsworth were chosen to serve as the first operating base for the B-21s.

When I first came to the Senate, the outlook for Ellsworth wasn't so rosy. I had barely arrived here in the Senate when Ellsworth was placed on the base realignment and closure, or BRAC, list. It was an all-hands effort by the congressional delegation and Ellsworth and State and community leaders to make the case to the Bush administration and BRAC Commission to remove Ellsworth from the closure list.

Many thought that South Dakota might not have the clout to make this stand, that we didn't wield enough influence. We were only given about a 12-percent chance of pulling through, but we were determined that we weren't going to lose Ellsworth. We stood our ground, and we won the day. Ellsworth was removed from the BRAC list that August, and we got right to work on building up the base so that we would never again find ourselves in the same position.

In 2007, we saw the Air Force Financial Services Center open at Ellsworth, and 2011 saw the arrival of the 89th Attack Squadron and its command and control stations for MQ-9 Reapers. In 2015, a decade-long mission paid off with the quadrupling of the training airspace for the base. The Powder River Training Complex is now the largest training airspace in the continental United States and can be used for large-force exercises that draw combat aircraft from across this country. It is also well-suited for B-21 training, which is undoubtedly one of the reasons Ellsworth was chosen as the first home of the Raider.

I am committed to ensuring that Ellsworth has everything it needs for its new mission so that it can continue to serve as one of our Nation's essential military assets for decades to come. To that end, I worked to ensure that this year's National Defense Authorization Act contain not only full funding for B-21 development but full funding for the first of many equipment and support facilities that will be needed for the B-21 mission at Ellsworth, including a low observable coating and restoration facility, a wash rack and maintenance hangar, expanding the flight simulator facility, and more. It is imperative that these and follow-on military construction projects at Ellsworth stay on pace to ensure the B-21, once fielded, can begin operations alongside the current B-1 mission at Ellsworth to enable a smooth transition from one mission to the next.

The National Defense Authorization Act also ensures adequate support for our B-1s in South Dakota and in Texas and deployed on Bomber Task Force missions so that they have the resources they need until they are replaced by the B-21s.

I will continue to do everything I can here in Congress to support our B-1s at

Ellsworth and advance the B-21 mission.

Providing for our Nation's defense is one of our most serious responsibilities as Members of Congress. We have an obligation to ensure that our Nation is prepared to meet any threat, whether the danger comes from terrorism, rogue states, or major powers. We have an obligation to ensure that our men and women in uniform have the resources they need to confront the threats that we ask them to face.

I am frustrated that it took us so long to move to consideration of this year's National Defense Authorization Act, but I am happy we did at least manage to secure a solid piece of legislation, and I look forward to voting for this bill later today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I am very pleased that the Senate is finally voting on the fiscal year 2022 Defense authorization bill. It is the most significant bill of the year.

There is an old document that nobody reads anymore called the Constitution. It kind of tells us what we are supposed to be doing around here, and sometimes we forget. We are talking about national defense. That is what we are supposed to be doing. That is why Congress has passed a defense authorization bill for the last 60 years. This will be the 61st year in a row. It will pass. It will pass in about another half hour from now. It is going to pass because it has passed in the past, and everyone realizes this is the most important thing we do here. A lot of people don't say that, but it is true.

Every year, we come together—the House and the Senate, the Republicans and the Democrats—and put our differences aside and build this bill together and show our servicemembers that we really support them. I think that is so important.

All we have to do is argue about this bill, and what we are doing is reflecting on the people who are out there on the line, out there making the sacrifice and losing their lives in many cases. It is important that they know this is the most important thing we do, and that is exactly what we did this year.

It looked a little different this year because the Senate didn't take up the bill until after Veterans Day. I was critical of Senator CHUCK SCHUMER. We filed our bill—Senator REED and I filed this on September 22. We didn't take it up until November 17. That is 2 months that was wasted that we could have used and used very productively. We don't need to do that. We can't let that happen again.

It is the most important bill we do all year, and it shouldn't be left to the last minute. That is especially the case right now because we face threats like we have never before in my lifetime faced. We have China and Russia. They are growing and modernizing their militaries at a rate that we have never

seen before and using their new technology to menace their neighbors. We are seeing Russia build up forces on the Ukrainian border, most likely intended to be used for them to attack. We feel that is what is happening now.

We have seen evidence that China is testing hypersonic missile technology that we don't even have. We don't have hypersonic missile technology like the Chinese have. Those of us who have studied what happened in World War II, we swore we weren't going to let this happen. And for a long period of time, we had the best of everything. In one area where America should have the best of everything, we didn't have the best of everything.

So we have seen threats and are seeing threats now that we haven't seen before. Yes, on the Ukrainian border—we know what is happening there. We know 100,000 people are ready to go in. The Russians are there. Now we are seeing China use things that we don't even have today.

At the same time, following a disastrous withdrawal, terrorist organizations are resurging in Afghanistan. I think we all remember in Afghanistan—what happened when the President went in and we had a withdrawal when we shouldn't have had a withdrawal. Our allies and partners are questioning our credibility and commitment because of that debacle.

Iran continues to expand its nuclear program, and North Korea continues its own provocations.

In short, we have no shortage of challenges to our security and our military supremacy. The security situation with both China and Russia has gotten far worse since the Armed Services Committee first advanced this bill back in July. It has gotten worse over the last few days and certainly every week.

I can't think of a more necessary bill to pass right now, as we are going to do in another short period of minutes. This Defense authorization bill is the most important bill we have. I worked together with Chairman REED, Senator REED, Chairman SMITH, Ranking Member ROGERS, and the Armed Services Committees in both Chambers to build a bill that will help us respond to all these threats. We worked together. We worked together in the committee for a long time.

People think, well, this is only something that we are doing—those of us who are in the position to be providing the leadership in our military—that we do once a year, but I can tell you right now, after we do this—I think it will get passed today and will be signed—we will start again on next year already.

Our final product is a responsible, bipartisan path forward to strengthen the national security and gives our troops the resources, training, equipment, and benefits they deserve. We are talking about our troops. They need it. We don't want them to have close fights out there. We don't want them to have equipment that isn't the best equipment.

I am afraid that we are in a situation right now where that is the case. The first and most important way to do that is by boosting the defense top line by \$25 billion. That is what we did. The very first thing that we did was to bring that up to something where it is \$25 billion over President Biden's request.

I know defense isn't Biden's top priority, but we showed that it is a bipartisan priority in this Congress. In fact, it was the 2018 NDS. This is the NDS. This is the National Defense System. This is in 2018, and we had six of the smartest Democrats in this field and six of the smartest Republicans. We got together and put together this thing called Providing for the National Defense. This was the Defense Strategy Commission. It is one we have been following since that time, and it shows that we can get things done. This is what we refer to. This is our pattern, and a budget cut like the President wanted isn't going to get us there.

In total, this bill authorizes almost \$778 billion for the Department of Defense and for nuclear programs at the Department of Energy. This increase supports many of the military's unfunded priorities, things they need that President Biden's inadequate budget couldn't meet, plus things Congress agrees that the Department must fund in critical areas.

And we provided a 35-percent increase above the President's budget for military construction, the largest MILCON that we have had in over 10 years. We also provided a \$4.7 billion increase for shipbuilding, allowing our military to purchase five new battle-force ships, which will be key in our priority theater, in the Indo-Pacific. And I think we know what the Chinese have been doing with their ship program.

We bolstered support to key allies, like Taiwan and Ukraine. This year's NDAA actually increases funding for the Ukrainian Security Assistance Initiative by \$50 million, giving Ukraine some \$300 million in defense, which is also in our defense too.

And the bill includes strong bipartisan support for our nuclear deterrent, which is the cornerstone of our national security. We fully fund the nuclear modernization, which is a top priority for our military and will solidify support for a key leg of our nuclear triad. Our triad system is one that we have adhered to, and it is something that is working. This actually supports a key leg of that nuclear triad, which is the Ground-Based Strategic Deterrent.

The bill works at every turn to maintain our military supremacy and in some areas to spur us to catch up in other areas where we have fallen behind. We have fallen behind China and Russia in certain areas, and we don't like that. And this is what we are trying to correct at the current time.

One area where we do that is in cyber security. We have people, not just ex-

perts on the outside. There is one of the members of our Senate Armed Services Committee, Senator MIKE ROUNDS, who probably knows more about cyber security than any one of the advisers that are out there. The bill creates a whole-of-government approach, the public-private partnership to detect and disrupt our adversary's cyber operations.

We also accelerate innovation in key emerging technologies, like artificial intelligence, hypersonic weapons, quantum computing, and 5G. We are doing these things. We are just not doing it as fast as we should, and this is one of the reasons that we are going to pass the most important bill of the year in just a few minutes.

Our bill takes numerous steps to harden our industrial base and remove Russia and China from our national security supply chain.

Of course, our top priority, this year and any year, is our troops, the brave men and women who have volunteered to lay down their lives, on the line, for our country. This year's bill gives them a well-deserved pay raise and improves health. By the way, these are things that people who sometimes talk about the fact that we are spending some money—I don't know how many times I have heard people say: Well, we spend more on defense than China and Russia together.

Well, that is true, but we do something that China and Russia doesn't do. The most expensive item we have is taking care of our troops, making sure that the kids of our troops have schools to go to that are good schools, that we have good housing.

They don't care about things like that, but we do, and we spend more on our military, and people try to use that against us. Well, our people are first, and we are the only country that believes that.

It prevents servicemembers from being dishonorably discharged for refusing the coronavirus vaccine. This is something where we changed a system that otherwise would have offered a dishonorable discharge, and it is in this bill.

So it is a good bill. It is not perfect. No bill is perfect. There are some things I would have had in this bill and I am sure that Senator REED would have had in this bill that didn't make it.

Before we close, I do want to thank the good people who work so hard on this bill on the floor. People don't realize that. You go back to the real world and you talk to real people, as I do when I go back to Oklahoma, and they point out that they don't believe that people are really working. But in the case of the military, they are.

I just have to say the hours that they work. I had occasion to talk to the group about John Wason—John Wason is the minority staff director—and about the number of hours that he works and that his team works. And I am going to read the names of this

team. Senator REED is going to be reading the names of the majority on the team.

But I think it is important that people understand that we have committee staff who work hard, and we are very thankful for the people who provide all that effort.

On his team, John Wason has Rick Berger, Tom Goffus, Scott Richardson, Greg Lilly, Marta Hernandez, Jennie Wright, Adam Barker, Allen Edwards, Katie Magnus, Sean O'Keefe, Brad Patout, Jason Potter, Brian Slatterly, Katie Sutton, Eric Trager, Adam Trull, T.C. Williams, Robert Winkler, and Annie Caputo.

From my staff I had Luke Holland, Dan Hillenbrand, Don Archer, Dan Holder, Sam Trizza, Esther Salters, Jake Johnson, Jake Hinch, Alexandra Slocum, Victor Sarmiento, Dixon Yonan, Leacy Burke—what would we do without Leacy Burke?—Laurie Fitch, and Naomi Walker.

And sometimes we forget about the hard-working floor staff. Nobody ever mentions that. We have a lot of the same people who have been there for a number of years, and we couldn't operate without them. And they were really busy on this bill. And that is Robert Duncan, Chris Tuck, Tony Hanagan, Katherine Foster, Brian Canfield, Max Boyd, and Maddie Sanborn.

I am grateful for all of their services.

And don't forget: This is only half of the battle. After this, we have to go through and after we have made the priorities that we have made, the appropriators will get busy and do what they have done to be a part of this effort, which is the most significant effort that we are having.

So today I encourage all of my colleagues to support this year's National Defense Authorization bill—I know they will—and extend our 60-year track record of getting this bill done. And let's tell the troops that we love them and we support them.

With that, I yield to Chairman JACK REED.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I rise to express my support for the fiscal year 2022 National Defense Authorization Act. I am pleased, as we all are, that we will be voting soon on passage.

I would like to thank Ranking Member INHOFE for his leadership and his thoughtfulness on this bill. He has been an excellent partner throughout this whole process.

Our Nation faces an enormous range of security challenges, and it is more important than ever that we provide our military men and women with the support they need to keep Americans safe.

To that end, this bill makes great progress. It addresses a broad range of pressing issues, from strategic competition with China and Russia, to disruptive technologies like hypersonics, AI, and quantum computing, to modernizing our ships, aircraft, and vehi-

cles. It provides our servicemembers with the resources and support they need to defend our Nation, while at the same taking care of their families.

Importantly, this bill authorizes a well-deserved 2.7-percent pay raise for both military members and the DOD civilian workforce. It also increases parental leave to 12 weeks for all servicemembers and creates a new 2-week bereavement leave benefit for both military and Federal civilian employees.

I want to especially note that this bill includes historic, sweeping reforms to the Uniform Code of Military Justice and how the military investigates and prosecutes sexual assault and other offenses, including murder, manslaughter, kidnapping, and many other crimes. Just as my Senate colleagues, the President's Independent Review Commission, and survivors advocate groups have called for, this bill takes prosecutorial power away from the chain of command for these cases. Our bill creates "special trial counsel," highly specialized prosecutors who will have exclusive, binding, and final decision-making authority over whether to prosecute these offenses. This is a sea change for the military justice system, and I am grateful to my colleagues in both Chambers and on both sides of the aisle for working together to achieve this historic reform for the well-being of our military women and men.

Indeed, we listened to survivors, advocates, and experts because we owe it to our servicemembers to get this policy right. The world is as dangerous and complex as it has ever been. We depend on the military to answer the call in these challenging times, and we owe it to them to ensure the policies we enact on this matter and others preserves this Nation's military power and cohesion. I respect those who might see this matter differently, but this bill makes our country and our troops more secure because we listened to advocates and experts to reach a compromise with the House of Representatives.

This year's defense bill also makes excellent progress toward meeting the challenges of long-term strategic competition with China and Russia. It invests in the people, platforms, infrastructure, and game-changing technologies that will define the future. It extends and modifies the Pacific Deterrence Initiative, or PDI, and reiterates the Senate's intent to improve our force posture in the Indo-Pacific, increase readiness and presence, and build the capabilities of our partners and allies to counter the increasing aggression of China.

Similarly, this year's bill authorizes the continuation of the European Deterrence Initiative, or EDI, in recognition of the vital need to support our allies and partners in Europe as we work toward the shared goals of deterring Russian aggression, addressing strategic competition, and mitigating shared security concerns.

With respect to our services, we have taken steps to improve their capabilities and their ability to fight and win. Across the Army, Navy, Air Force, Marine Corps, and Space Force, this bill makes significant efforts to improve the readiness of our aircraft, ships, vehicles, missiles, and weapons systems. It authorizes significant increases in military construction projects, modernizing our nuclear triad and missile defense systems, and investing in cutting-edge technologies such as artificial intelligence, microelectronics, advanced materials, 5G, and biotechnology.

And with regard to our withdrawal from Afghanistan, we must capture the lessons of the last two decades to ensure that our future counterterrorism efforts in Afghanistan and elsewhere continue to hold violent extremists at bay. To that end, I am pleased that this bill includes the Afghanistan War Commission Act, an amendment spearheaded by Senator DUCKWORTH.

This bill was originally crafted by the Armed Services Committee after a series of thoughtful hearings, discussions, and debates on both sides of the aisle. Through the committee markup process, we considered more than 300 amendments and ultimately adopted 143 amendments. Senator INHOFE and I introduced this bill to the full Senate with the intent of adding more amendments on the floor. Although we were not able to come to an agreement to debate and vote on several amendments on the floor, we were ultimately able to adopt amendments from Senators on both sides of the aisle in the final legislation.

Over the past several weeks, the Senate and House Armed Services Committees have worked around the clock to come to an agreement on this final version of this bill. I am proud of the improvements we made throughout this process, and I was pleased to see the House vote last week in an overwhelmingly bipartisan fashion, 363 to 70, to pass the bill. We have produced a strong NDAA that both parties and both chambers can support, and the President will be able to sign.

I would like to take this opportunity to recognize the phenomenal staff who have made this bill possible. I want to specifically recognize the director for the Democratic staff, Elizabeth King, and the director for the Republican staff, John Wason. They have led their staffs and collaborated admirably with bipartisanship, diligence, and utmost professionalism.

I would also like to thank members of the Armed Services Committee staff: Jody Bennett, Carolyn Chuhta, Jon Clark, Jenny Davis, Jonathan Epstein, Jorie Feldman, Creighton Greene, Gary Leeling, Kirk McConnell, Maggie McNamara Cooper, Bill Monahan, Mike Noblet, John Quirk, Andy Scott, Arun Seraphin, Cole Stevens, Soleil Sykes, Keri Lyn Michalke, Hailey Becker, Patrick Shilo, Alison Warner, Leah Brewer, Debbie Chiarello, Joe Gallo,

Leslie Ashton, Cami Pease, Brittany Amador, Griffin Cannon, Nate Green, Brandon Kasprick, Sofia Kamali, Tom Maggiacomo, and, once again, staff director Elizabeth King.

From my personal office, I would like to thank Neil Campbell and Elyse Wasch.

Also, let me thank the floor staff and the leadership staff. Gary Myrick, Tricia Engle, Dan Tinsley, Brad Watt, Stephanie Paone, Nate Oursler, Rachel Jackson, and Liza Patterson. You have been part of this process for the last several weeks, and you have done a remarkable job. We thank you for that very, very much.

I would like to thank Senator INHOFE again for his partnership throughout this process, and I would thank Chairman SMITH and Ranking Member ROGERS from the House Armed Services Committee for their collaboration as well.

Finally, I urge all of my colleagues to vote for this excellent bill.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the motion to concur with amendment No. 4880 is withdrawn.

VOTE ON MOTION TO CONCUR

The question is on agreeing to the motion to concur.

Mr. REED. Mr. President, the yeas and nays are requested.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Wyoming (Ms. LUMMIS).

The result was announced—yeas 88, nays 11, as follows:

[Rollcall Vote No. 499 Leg.]

YEAS—88

| | | |
|--------------|--------------|------------|
| Baldwin | Grassley | Reed |
| Barrasso | Hagerty | Risch |
| Bennet | Hassan | Rosen |
| Blackburn | Hawley | Romney |
| Blumenthal | Heinrich | Rounds |
| Blunt | Hickenlooper | Rubio |
| Boozman | Hirono | Sasse |
| Brown | Hoeven | Schatz |
| Burr | Hyde-Smith | Schumer |
| Cantwell | Inhofe | Scott (FL) |
| Capito | Johnson | Scott (SC) |
| Cardin | Kaine | Shelby |
| Carper | Kelly | Sinema |
| Casey | Kennedy | Smith |
| Cassidy | King | Stabenow |
| Collins | Klobuchar | Sullivan |
| Coons | Lankford | Tester |
| Cornyn | Leahy | Thune |
| Cortez Masto | Lujan | Tillis |
| Cotton | Manchin | Toomey |
| Cramer | Marshall | Tuberville |
| Crapo | McConnell | Van Hollen |
| Cruz | Menendez | Warner |
| Daines | Moran | Warnock |
| Duckworth | Murkowski | Whitehouse |
| Durbin | Murphy | Wicker |
| Ernst | Murray | Young |
| Feinstein | Ossoff | |
| Fischer | Peters | |
| Graham | Portman | |

NAYS—11

| | | |
|------------|---------|---------|
| Booker | Markey | Sanders |
| Braun | Merkley | Warren |
| Gillibrand | Padilla | Wyden |
| Lee | Paul | |

NOT VOTING—1

Lummis

The motion was agreed to.

The PRESIDING OFFICER. The Senator from New Jersey.

CHANGE OF VOTE

Mr. BOOKER. Mr. President, on rollcall vote No. 499, I voted aye. It was my intention to vote nay. Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER (Mr. KING). Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Jennifer Sung, of Oregon, to be United States Circuit Judge for the Ninth Circuit.

VOTE ON SUNG NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Sung nomination?

Mr. COONS. I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Wyoming (Ms. LUMMIS).

The result was announced—yeas 50, nays 49, as follows:

[Rollcall Vote No. 500 Ex.]

YEAS—50

| | | |
|--------------|--------------|------------|
| Baldwin | Hickenlooper | Reed |
| Bennet | Hirono | Rosen |
| Blumenthal | Kaine | Sanders |
| Booker | Kelly | Schatz |
| Brown | King | Schumer |
| Cantwell | Klobuchar | Shaheen |
| Cardin | Leahy | Sinema |
| Carper | Lujan | Smith |
| Casey | Manchin | Stabenow |
| Coons | Markey | Tester |
| Cortez Masto | Menendez | Van Hollen |
| Duckworth | Merkley | Warner |
| Durbin | Murphy | Warnock |
| Feinstein | Murray | Warren |
| Gillibrand | Ossoff | Whitehouse |
| Gillibrand | Padilla | Wyden |
| Heinrich | Peters | |

NAYS—49

| | | |
|-----------|---------|---------|
| Barrasso | Braun | Collins |
| Blackburn | Burr | Cornyn |
| Blunt | Capito | Cotton |
| Boozman | Cassidy | Cramer |

| | | |
|------------|-----------|------------|
| Crapo | Kennedy | Sasse |
| Cruz | Lankford | Scott (FL) |
| Daines | Lee | Scott (SC) |
| Ernst | Marshall | Shelby |
| Fischer | McConnell | Sullivan |
| Graham | Moran | Thune |
| Grassley | Murkowski | Tillis |
| Hagerty | Paul | Toomey |
| Hawley | Portman | Tuberville |
| Hoeven | Risch | Wicker |
| Hyde-Smith | Romney | Young |
| Inhofe | Rounds | |
| Johnson | Rubio | |

NOT VOTING—1

Lummis

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the unfinished business.

The senior assistant legislative clerk read the nomination of Samantha D. Elliott, of New Hampshire, to be United States District Judge for the District of New Hampshire.

The PRESIDING OFFICER. The Senator from Virginia.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. WARNER. Mr. President, I rise today to seek unanimous consent to confirm Amanda Howe, President Biden's nominee to be the next Assistant Administrator for Mission Support at the Environmental Protection Agency.

I believe that my friend Senator LEE is going to object to this consent request. I hope when he does that he will explain his objection to this extremely qualified nominee.

I have known the nominee for more than 20 years and can speak directly to her talents and abilities. Amanda held a number of roles in the Commonwealth of Virginia, including serving as my assistant secretary of commerce and trade during my 10 years as Governor.

Amanda also served then-Governor Kaine's administration and Governor MCAULIFFE's administration and has held other leadership positions, including serving as deputy and then acting chief of staff to Mayor Bill de Blasio in New York.

Amanda led the planning and organization of the Queen's visit to Virginia in 2007, when we celebrated 400 years of connection to the UK. She helped plan the first-ever ticker tape parade for the U.S. women's soccer team to celebrate the first World Cup victory. She organized Pope Francis's visit to New York.

Beyond being a talented operator, Amanda also possesses a wealth of knowledge on issues under the EPA's purview, having worked on roles focused on renewable energy.

Amanda has been nominated to lead the EPA's Office of Mission Support, which directs the Agency's efforts to